

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND

3 - - -
4 EQUAL EMPLOYMENT OPPORTUNITY: CASE NO.
COMMISSION, :

5 Plaintiff, : WDQ-02-CV-648

AND :

6 KATHY C. KOCH, :
Plaintiff-Intervenor, :

7 V. :
8 :

LA WEIGHT LOSS, :
9 Defendant :

10
11 - - -
12 September 25, 2003
13 - - -

14
15 Oral deposition of LYNNE E.
16 PORTLOCK, held in the offices of Esquire
Deposition Services, Suite 760, One
17 Commerce Center, Wilmington, Delaware
19801 commencing at 10:10 a.m., on the
18 above date, before Shenna M. Basye-Cara,
a Professional Reporter and a Notary
Public in the State of Delaware.

19 - - -
20
21 ESQUIRE DEPOSITION SERVICES
22 1880 John F. Kennedy Boulevard
15th Floor
Philadelphia, Pennsylvania 19103
23 (215) 988-9191
24

Page 2

1 APPEARANCES:
 2 UNITED STATES EQUAL EMPLOYMENT
 3 OPPORTUNITY COMMISSION
 4 BY: RONALD L. PHILLIPS, ESQUIRE
 5 3rd Floor, City Crescent Building
 6 10 South Howard Street
 7 Baltimore, Maryland 21201
 8 (410) 962-4626
 9 Counsel for the Plaintiff
 10
 11 WOLF, BLOCK, SCHORR AND
 12 SOLIS-COHEN, LLP
 13 BY: DAVID E. LANDAU, ESQUIRE
 14 22nd Floor
 15 1650 Arch Street
 16 Philadelphia, Pennsylvania 19103
 17 (215) 977-2335
 18 Counsel for the Defendant
 19
 20 OBER KALER
 21 BY: PAMELA J. WHITE, ESQUIRE
 22 120 East Baltimore Street
 23 Baltimore, Maryland 21202
 24 (410) 347-7323
 Counsel for Kathy Koch

ALSO PRESENT:
 KATHY C. KOCH

- - -

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1 - - -
 2 DEPOSITION SUPPORT INDEX
 3
 4
 5 Direction To Witness Not To Answer
 6 Page Line Page Line
 7 (None)
 8
 9
 10 Request For Production Of Documents
 11 Page Line Page Line
 12 (None)
 13
 14
 15 Stipulations
 16 Page Line
 17 (None)
 18
 19
 20 Questions Marked
 21 Page Line Page Line
 22 (None)
 23
 24 - - -

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1 - - -
 2 INDEX
 3
 4 Examination of: Lynne E. Portlock
 5 By Mr. Phillips.....5
 6
 7
 8
 9 - - -
 10 EXHIBITS
 11 NO. DESCRIPTION PAGE NO.
 12 Portlock-1 Subpoena 16
 13
 14 Portlock-2 3/6/98 Employee
 15 Warning Notice 242
 16 Portlock-3 Handwritten Evaluations
 17 of Training 293
 18
 19 Portlock-4 3/8/98 Letter to L.
 20 Portlock from K. Koch 309
 21
 22
 23
 24 - - -

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1 - - -
 2 LYNNE E. PORTLOCK, after
 3 having been duly sworn, was
 4 examined and testified as follows:
 5 - - -
 6 EXAMINATION
 7 - - -
 8 BY MR. PHILLIPS:
 9 Q. Good morning. Could you
 10 please state your full name for the
 11 record.
 12 A. Lynne E. Portlock.
 13 Q. Ms. Portlock, I'll just
 14 introduce myself. My name is Ron
 15 Phillips. I'm an attorney with the Equal
 16 Employment Opportunity Commission. I
 17 represent the Commission in the matter of
 18 EEOC and Kathy Koch versus LA Weight
 19 Loss.
 20 Are you represented today?
 21 A. Yes.
 22 Q. You're represented by Mr.
 23 Landau?
 24 A. Yes.

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1 specific topic that led into half of the
 2 meeting being interviewing, because
 3 that's sometimes what happened in a
 4 meeting. It was split.
 5 Q. Who else was at the meeting?
 6 A. I don't remember
 7 specifically. It was either areas or
 8 other regionals.
 9 Q. Do you remember anyone from
 10 corporate being there?
 11 A. Are you counting regionals
 12 as someone from corporate?
 13 Q. Yes. Let's exclude
 14 regionals for now.
 15 A. Not that I remember.
 16 Q. Is there anything else you
 17 remember about that meeting? What was
 18 said, what --
 19 A. Not specifically.
 20 Q. Did you get any documents
 21 before, during, or after that meeting?
 22 A. Not that I -- I don't
 23 remember.
 24 Q. Lesia Petrizio promoted you

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1 A. Yes.
 2 Q. Who did you get that from?
 3 A. I'm not sure. I don't
 4 remember.
 5 Q. Eileen Stankunas? Does that
 6 sound right?
 7 A. Yes. Could have been. She
 8 would have been my next superior, so
 9 that's where it would have come from.
 10 Q. Do you have specific
 11 recollection of her doing that, of her
 12 giving you instruction on being a
 13 regional supervisor?
 14 A. No, because it wouldn't have
 15 been a one-day thing. It would have been
 16 something over a time frame. No.
 17 Q. Do you recall her ever doing
 18 that?
 19 A. Yes.
 20 Q. Did that include hiring,
 21 instruction on hiring?
 22 A. Yes.
 23 Q. Lesia Petrizio, when she was
 24 giving you instruction on being an area

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1 to area supervisor the first time,
 2 correct?
 3 A. Yes.
 4 Q. 1994 time frame, right?
 5 A. Yes.
 6 Q. How did you know how to be
 7 an area supervisor? Did you get training
 8 on how to be an area supervisor?
 9 A. Yes.
 10 Q. Who gave you that training?
 11 A. She did.
 12 Q. Ms. Petrizio?
 13 A. Yes.
 14 Q. Who promoted you to regional
 15 supervisor or regional manager?
 16 A. I'm not sure.
 17 Q. How did you -- did you need
 18 training to become a regional
 19 supervisor? Well, first I'll ask you,
 20 did you have training on that?
 21 A. Of what my new
 22 responsibilities were?
 23 Q. Training or instruction on
 24 being a regional supervisor.

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1 supervisor, that also included hiring?
 2 A. Yes.
 3 Q. Again, I don't want to play
 4 memory games with you here, so I'm just
 5 going to go through this and you can give
 6 me a "yes" or "no" or "sounds right" or
 7 "you're way off" or something.
 8 As a regional supervisor,
 9 you were earning about 98 to \$100,000 a
 10 year. Does that sound correct?
 11 A. Correct.
 12 Q. What was that based on? How
 13 did you end up with that number? Part
 14 salary, part commission?
 15 A. Correct.
 16 Q. What was the salary?
 17 A. I don't remember.
 18 Q. What was the commission
 19 structure?
 20 A. I don't remember. It's been
 21 a long time. I don't remember.
 22 Q. So based on center income?
 23 A. There was a percentage.
 24 Q. Percentage of center income?

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1 Q. Didn't know anything about?

2 A. About certain areas. I
3 can't remember what the specifics were.

4 MR. PHILLIPS: I'm going to
5 show you a document and we'll mark
6 it Portlock Exhibit-2.

7 MR. LANDAU: The next area,
8 before you move on, can we take a
9 break?

10 MR. PHILLIPS: Yes.

11 - - -

12 (Exhibit Portlock-2 was marked
13 for identification.)

14 - - -

15 BY MR. PHILLIPS:

16 Q. Ms. Portlock, if you could,
17 look at Portlock Exhibit-2. Let me know
18 when you're finished looking at that,
19 please.

20 Ms. Portlock, have you had a
21 chance to look at Exhibit-2?

22 A. Yes.

23 Q. Do you recognize Exhibit-2?

24 A. Yes.

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1 Kathy's employee training on 2/23/98 did
2 not cover PE's with role play. Not
3 enough time was spent on phone script.
4 Not enough time was spent on homework of
5 workups to where entire class had a full
6 understanding of supplement prices and
7 savings. Cost of health enhancers and
8 weight enhancers was not covered.
9 Kathy's training left employers confused
10 and not enough knowledge to place them in
11 a center the following week. Therefore,
12 I had to spend an entire day covering
13 material that wasn't properly covered.

14 Q. So with respect to any
15 alleged deficiencies with Ms. Koch's
16 training, you would agree with me that
17 there are three issues primarily outlined
18 here, correct? The first issue being,
19 did not cover PE's with role play; second
20 issue being, not enough time was spent on
21 the phone script; the third issue being,
22 not enough time was spent on homework of
23 workup to where entire class had a full
24 understanding of supplement prices and

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1 Q. Did you prepare Exhibit-2?

2 A. Yes.

3 Q. Is this the written warning
4 that you were referencing earlier?

5 A. Yes.

6 Q. I want to go through this
7 written warning. First of all, does this
8 written warning encompass all of the
9 issues that you had concern with
10 regarding Ms. Koch's performance?

11 A. I believe so.

12 Q. And that is your signature
13 next to the word "supervisor" on the
14 first page?

15 A. Correct.

16 Q. Now, it is dated 3/6/98.
17 Would you agree?

18 A. Yes.

19 Q. And in the company statement
20 portion it reads "ineffective training,"
21 and maybe perhaps you should read it
22 since it's your handwriting. Could you
23 go ahead and read that, please.

24 A. Ineffective training.

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1 savings, cost of health enhancers and
2 weight enhancers was not covered.

3 A. Correct.

4 Q. So those three issues,
5 right?

6 A. It's actually four.

7 Q. What's the fourth issue?

8 A. Because you -- it looks like
9 the last issue was all combined, but it's
10 not. Not enough time was spent on
11 homework of workups to where the class
12 had a full understanding of supplement
13 prices and savings. That should be a
14 period there. That would have been the
15 third.

16 Cost of health enhancers and
17 weight enhancers was not covered. That
18 should be the fourth.

19 Q. Thank you for explaining
20 that.

21 Let's talk about the first
22 issue here. Training on 9/23/98 (sic)
23 did not cover PE's with role play.

24 What is a PE?